



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1850
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,429	10/16/2000	Yuji Okachi	9792909-4841	1881

7590 09/09/2005

SONNENSCHN NATH & ROSENTHAL
P.O. BOX 061080
WACKER DRIVE STATION - SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

CARDONE, JASON D

ART UNIT	PAPER NUMBER
----------	--------------

2145

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/688,429

Applicant(s)

OKACHI, YUJI

Examiner

Jason D. Cardone

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendments of the applicants, filed on 12/2/04.

Claims 1-19 are presented for further examination.

2. Examiner has given full faith and credit to the search and action of the previous examiner of this case.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 16-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In view of Applicant's disclosure, specification page 11, the medium, claimed, is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD, DVD) and intangible embodiments (e.g., transmission medium ((digital signal))). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Donoho et al. ("Donoho"), USPN 6,801,929.

7. Regarding claim 1, Donoho discloses an information processing apparatus for replying to an inquiry comprising: means for assigning a reply priority to the inquiry [ie. scheduling a priority to the inquiry, Donoho, col. 43, lines 56-64 and col. 47, lines 11-40]; means for determining whether a solution to the inquiry is stored [ie. cached at a proxy server, Donoho, col. 75, line 50 – col. 76, line 11]; and means for replying to the inquiry based on the reply priority [Donoho, col. 47, lines 11-40 and col. 75, line 50 – col. 76, line 11].

8. Regarding claim 2, Donoho further discloses means coupled to the assigning means for setting the reply priority to the inquiry upon reception [Donoho, col. 47, lines 11-40].

9. Regarding claim 3, Donoho further discloses means coupled to the replying means for storing past and new inquiries together with their solutions to respective inquiry [Donoho, col. 75, line 50 – col. 76, line 11].

10. Regarding claim 4, Donoho further discloses second reply means, wherein when the inquiry is already stored but the solution for the inquiry is not stored in the past and

new inquiry storing means; the reply priority for the inquiry is revised to be higher value and thus revised reply priority is transferred to the second reply means together with the inquiry [Donoho, col. 47, lines 41-52 and col. 75, line 50 – col. 76, line 11].

11. Regarding claims 5-19, claims 5-19 have similar limitations as disclosed in claims 1-4. Therefore, the similar limitations are disclosed under Donoho for the same reasons set forth in the rejection of claims 1-4 [Supra 1-4].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Hogan et al. ("Hogan"), Pre-Grant Publication No. US 2004/0013253 in view of Doerr et al. ("Doerr"), Pre-Grant Publication No. US 2002/0002546.

14. Regarding claim 1, Hogan discloses an information processing apparatus for replying to an inquiry comprising: means for assigning a reply priority to the inquiry [ie. a configuration file SA4O4 is examined at application start-up and its information, including priority information, is stored in a series of tables, Hogan, paragraph 1340]; and means for replying to the inquiry based on the reply priority [ie. receiving a

response SB1O4 in reply to request SB102 and each call may be prioritized based on when the call was queued or based on call priority, Hogan, par. 378 and 1297].

Hogan does not specifically disclose means for determining whether a solution to the inquiry is stored. However, Doerr, in the same field of endeavor, discloses means for determining whether a solution to an inquiry is stored [ie. storage of advice, Doerr, par. 28-30 and 40-42]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate storage of advice solutions, taught by Doerr, into the call center, taught by Hogan, in order to not have to recreate the advice (solution).

15. Regarding claim 2, Hogan-Doerr further discloses means coupled to the assigning means for setting the reply priority to the inquiry upon reception [CALL SETUP MESSAGE #1 8A302 includes all information (i.e., call data AA144) in IAM 8A344, Hogan, par. 364] [Doerr, par. 33-35].

16. Regarding claim 3, Hogan-Doerr further discloses means coupled to the replying means for storing past and new inquiries together with their solutions to respective inquiry [Console status display AGI 10 provides numerical and graphical information about current and past status of operator consoles AB1O8, Hogan, par. 342-344] [Doerr, par. 28-30 and 40-42].

17. Regarding claim 4, Hogan-Doerr further discloses second reply means, wherein when the inquiry is already stored but the solution for the inquiry is not stored in the past and new inquiry storing means, the reply priority for the inquiry is revised to be higher value and thus revised reply priority is transferred to the second reply means together with the inquiry [ie CHECK MESSAGE RESPONSE SF104 is received, CLIF SA104 knows that SA102C is again available and updates its configuration file SA404 to again show application SA102C as the higher priority application. From this point on, new message will be sent to application SA102C, Hogan, par. 1347] [Doerr, par. 32-34].

18. Regarding claims 5-19, claims 5-19 have similar limitations as disclosed in claims 1-4. Therefore, the similar limitations are disclosed under Hogan-Doerr for the same reasons set forth in the rejection of claims 1-4 [Supra 1-4].

Response to Arguments

19. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

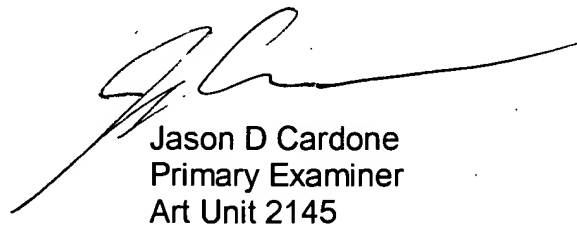
20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone
Primary Examiner
Art Unit 2145

September 6, 2005